

Dated: May 22, 1995.

Michael V. Dunn,

Acting Under Secretary for Rural Economic and Community Development.

Dated: May 22, 1995.

Eugene Moss,

Under Secretary for Farm and Foreign Agriculture Services.

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BILLING CODE 3410-07-U

Office of Operations

7 CFR Part 2812

Department of Agriculture Guidelines for the Donation of Excess Research Equipment

AGENCY: Office of Operations, USDA.

ACTION: Final rule.

SUMMARY: The final rule sets forth uniform procedures for the donation of excess research equipment to educational institutions and nonprofit organizations for the conduct of technical and scientific education and research activities as authorized by section 11(i) of the Stevenson/Wydler Technology Act (Pub. L. No. 102-245), 15 U.S.C. 3710(i). This document includes not only the Department of Agriculture (USDA) procedures to implement 15 U.S.C. 3710(i), but also draws upon the General Services Administration (GSA) regulations concerning the disposal of excess personal property. This rule will allow the Department of Agriculture to donate excess research equipment to educational institutions and nonprofit organizations for the conduct of technical and scientific education and research activities.

EFFECTIVE DATE: August 2, 1995.

FOR FURTHER INFORMATION CONTACT: Denise R. Patterson, Acting Division Chief, Personal Property Management Division on (202) 720-3141.

SUPPLEMENTARY INFORMATION: The proposed rule was published in the **Federal Register** on May 13, 1994 (59 FR 24973). During the final rulemaking process, the rule was determined not significant for purposes of Executive Order 12866 and therefore has not been reviewed by OMB.

Two comments were received. The National Aeronautics and Space Administration (NASA) requested that the property be reutilized within the federal government before being distributed. The rule does allow agencies within USDA the opportunity to obtain excess research equipment during the 30 to 45 days that the property remains in the excess system.

It is only after no USDA agency requests the equipment that it is available for donation to an eligible institution. USDA believes that making the equipment more widely available within the Government prior to donation would undermine the purpose of 15 U.S.C. 3710(i), which is to improve science education in the United States thereby advancing American competitiveness. The other comment was from the General Services Administration (GSA). It recommended that the Department of Agriculture target educational institutions located in economically disadvantaged rural and urban cities. USDA believes that targeting educational institutions located in economically disadvantaged rural and urban cities would improve science education in these locations. However, USDA believes that the purpose of this provision can best be achieved by not limiting the donation of excess research equipment. Accordingly, no changes other than some minor corrections have been made to the final rule.

A revision of the "Classification Section" was made because it contained information not pertinent to the rule.

Paperwork Reduction

Except for the Gift/Acceptance Agreement contained in appendix A to part 2812, the forms necessary to implement these procedures have been cleared by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act, 44 U.S.C. 3500 *et seq.* The Gift/Acceptance Agreement has been submitted to OMB for clearance under the Paperwork Reduction Act.

Classification

This rule has been determined to be not significant for purposes of Executive Order 12866 and therefore has not been reviewed by OMB.

Regulatory Analysis

Not required for this rulemaking.

Environmental Impact Statement

This proposed rule does not significantly affect the environment. Therefore, an environmental impact statement is not required under the National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321 *et seq.*

Catalog Federal Domestic Assistance

Not required for this rulemaking.

List of Subjects in 7 CFR Part 2812

Government property, Government property management, Excess government property.

Done at Washington, DC, this 26th 1995.

Dan Glickman,

Secretary.

For the reasons set forth in the preamble, part 2812 is added to chapter XXVIII of title 7 of the Code of Federal Regulations to read as follows:

PART 2812—DEPARTMENT OF AGRICULTURE GUIDELINES FOR THE DONATION OF EXCESS RESEARCH EQUIPMENT UNDER 15 U.S.C. 3710(i)

Sec.

- 2812.1 Purpose.
- 2812.2 Eligibility.
- 2812.3 Definitions.
- 2812.4 Procedures.
- 2812.5 Restrictions.
- 2812.6 Title.
- 2812.7 Costs.
- 2812.8 Accountability and recordkeeping.
- 2812.9 Disposal.
- 2812.10 Liabilities and losses.

Appendix A to Part 2812—Gift/Acceptance Agreement: Educational Institution or Nonprofit Organization and the United States Department of Agriculture

Authority: 5 U.S.C. 301.

§ 2812.01 Purpose.

This part sets forth the procedures to be utilized by USDA agencies and laboratories in the donation of excess research equipment to educational institutions and non-profit organizations for the conduct of technical and scientific education and research activities as authorized by 15 U.S.C. 3710(i). Title to excess research equipment donated pursuant to 15 U.S.C. 3710(i), shall pass to the donee.

§ 2812.2 Eligibility.

Eligible organizations are educational institutions or non-profit organizations involved in the conduct of technical and scientific educational and research activities.

§ 2812.3 Definitions.

(a) *Cannibalization*—The dismantling of equipment for parts to repair or enhance other equipment. The residual is reported for disposal. Cannibalization is only authorized if the property value is greater when cannibalized than retention in the original condition.

(b) *Education-related Federal equipment*—Equipment that is appropriate for educational purposes.

(c) *Excess personal property*—Items of personal property no longer required by the controlling Federal agency.

(d) *Research equipment*—Federal property determined to be essential to

conduct scientific or technical educational research.

(e) *Technical and scientific education and research activities*—Non-profit tax exempt public educational institutions or government sponsored research organizations which serve to conduct technical and scientific education and research.

§ 2812.4 Procedures.

(a) Prior to receipt of excess personal property/equipment under this part, the donee shall enter into a gift/acceptance agreement with the donor agency. A copy of that agreement is attached as appendix A to this part.

(b) Each agency head will designate in writing an authorized official to approve donations of excess property/equipment under this part.

(c) Property targeted for donation under this part will first be screened as excess by USDA agencies through the Departmental Excess Personal Property Coordinator (DEPPC) using the PMIS/PROP system.

(d) Upon reporting property for excess screening, if the pertinent USDA agency has an eligible organization in mind for donation under this part, enter "P.L. 102-245" in the note field. The property will remain in the excess system approximately 30-45 days and, if no agency in USDA requests it during the excess cycle, DEPPC will send the agency a copy of the excess report stamped "DONATION AUTHORITY TO THE HOLDING AGENCY IN ACCORDANCE WITH P.L. 102-245."

(e) Donations under this Part will be accomplished by preparing a Standard Form (SF) 122, "Transfer Order-Excess Personal Property" and a written justification statement (submitted by the recipient) explaining why the property is needed.

(f) The SF-122 should be signed by both an authorized official of the agency and the Agency Property Management Officer. The following information should also be provided.

- (1) Name and address of Donee Institution (Ship to)
- (2) Agency name and address (holding Agency)
- (3) Location of property
- (4) Shipping instructions (Donee contact person)
- (5) Complete description of property, including acquisition amount, serial no., condition code, quantity, and agency order no.
- (6) This statement needs to be added following property descriptions. "The property requested hereon is certified to be used for the conduct of technical and scientific education and research

activities. This donation is pursuant to the provisions of Pub. L. 102-245."

(g) Once the excess personal property/equipment is physically received, the donee is required to immediately return a copy of the SF-122 to the donating agency indicating receipt of requested items. Cancellations should be reported to DEPPC so the property can be reported to the General Services Administration (GSA).

Note: The USDA agency shall send an informational copy of the transaction to GSA.

§ 2812.5 Restrictions.

(a) The authorized official (see § 2812.4(b)) will approve the donation of excess personal property/equipment in the following groups to educational institutions or nonprofit organizations for the conduct of technical and scientific educational and research activities.

ELIGIBLE GROUPS

FSC group	Name
19	Ships, Small Craft, Pontoons, and Floating Docks.
23	Vehicles, Trailers and Cycles.
24	Tractors.
37	Agricultural Machinery and Equipment.
43	Pumps, Compressors.
48	Valves.
58	Communication, Detection, and Coherent Radiation Equipment.
59	Electrical and Electronic Equipment Components.
65	Medical, Dental, and Veterinary Equipment and Supplies.
66	Instruments and Laboratory Equipment.
67	Photographic Equipment.
68	Chemicals and Chemical Products.
70	General Purpose Automatic Data Processing Equipment, Software Supplies, and Support Equipment.
74	Office Machines and Visible Record Equipment.

Note: Requests for items in FSC Groups or Classes other than the above should be referred to the agency head for consideration and approval.

(b) Excess personal property/equipment may be donated for cannibalization purposes, provided the donee submits a supporting statement which clearly indicates that cannibalizing the requested property for secondary use has greater potential benefit than utilization of the item in its existing form.

§ 2812.6 Title.

Title to excess personal property/equipment donated under this Part will

automatically pass to the donee once the sponsoring agency receives the SF-122 indicating that the donee has received the property.

§ 2812.7 Costs.

Donated excess personal property/equipment is free of charge. However, the donee must pay all costs associated with packaging and transportation, unless the sponsoring agency has made other arrangements. The donee should specify the method of shipment.

§ 2812.8 Accountability and recordkeeping.

USDA requires that property requested by a donee be placed into use by the donee within a year of receipt and used for at least 1 year thereafter. Donees must maintain accountable records for such property during this time period.

§ 2812.9 Disposal.

When the property is no longer needed by the donee, it may be used in support of other Federal projects or sold and the proceeds used for technical and scientific education and research activities.

§ 2812.10 Liabilities and losses.

USDA assumes no liability with respect to accidents, bodily injury, illness, or any other damages or loss related to excess personal property/equipment donated under this part. The donee is advised to insure or otherwise protect itself and others as appropriate.

Appendix A to Part 2812—Gift/Acceptance Agreement; Educational Institution or NonProfit Organization and The United States Department of Agriculture

Gift/Acceptance Agreement (Agreement) between (USDA Agency) and (Educational Institution or NonProfit Organizations).

(1) *Purpose.* The purpose of the Agreement is to establish a relationship between the U.S. Department of Agriculture (USDA Agency) and (Educational Institution or NonProfit Organization) concerning the transfer of excess research equipment to this educational institution or nonprofit organization for the conduct of technical and scientific education and research activities. Title of ownership transfers to the recipient.

(2) *Authority.* Pub. L. 102-245, Sec. 303, amended, Section 11 of the Stevenson-Wydler Technology Innovation Act of 1980, by adding subsection (i), Research Equipment, which provides that "the Director of the laboratory, or the head of any Federal agency or department, may give research equipment that is excess to the needs of the laboratory, agency, or department to an educational institution or non-profit organization for the conduct of technical and scientific education and research activities."

(3) *Objectives and program elements.* This Agreement is intended to provide a

mechanism for the transfer of excess research equipment from USDA to the (Educational Institution or Nonprofit Organization) in accordance with the procedures set out in the regulations implementing Pub. L. 102-245.

(4) *Management.* In order to enable close collaboration, it is agreed that the (Educational Institution or NonProfit Organization) will provide to (USDA Agency) an annual inventory listing of property acquired under Pub. L. 102-245.

The (USDA Agency) and (Educational Institution or NonProfit Organization) will each identify a coordinator to implement this Agreement. These coordinators shall meet when necessary to review new Federal property regulations.

The coordinators shall seek to resolve any disputes concerning the Agreement through good faith discussions.

(5) *Effective date and revision or termination.* The Agreement shall enter into effect upon signature and shall remain in effect for 3 years. It may be extended or amended by written agreement of the parties at any time prior to its expiration or termination. The Agreement may be terminated at any time upon 60 days written notice by either party to the other. The termination of the Agreement shall not affect the validity of any property transactions under the Agreement which were initiated prior to such termination.

Property Coordinators

The property coordinators for this Agreement are:

Name _____
(Educational Institution/NonProfit Organization)

(Complete Address and Phone Number)
Name _____
(USDA Coordinator)

(Complete Address and Phone Number)
Approved: _____

(Educational Institution/NonProfit Organization)

Date _____

(USDA Agency Head)

Date _____

[FR Doc. 95-16285 Filed 6-30-95; 8:45 am]

BILLING CODE 3410-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 30

Foreign Option Transactions

AGENCY: Commodity Futures Trading Commission.

ACTION: Order.

SUMMARY: The Commodity Futures Trading Commission (Commission) is

issuing this Order pursuant to which option contracts on a spot foreign exchange operation between the Great Britain Pound and the Deutsche Mark (GBP/DEM) and the Deutsche Mark and the Italian Lira (DEM/ITL) traded on the Marche a Terme International de France (MATIF) may be offered or sold to persons located in the United States. This Order is issued pursuant to: (1) Commission rule 30.3(a), 17 CFR 30.3(a), which makes it unlawful for any person to engage in the offer or sale of a foreign option product until the Commission, by order, authorizes such foreign option to be offered or sold in the United States; and (2) the procedures established in the Commission's Order issued on June 6, 1990, 55 FR 23902 (June 13, 1990) (Mutual Recognition Memorandum of Understanding (MRMOU) with the French Commission des Operations de Bourse).

EFFECTIVE DATE: August 2, 1995.

FOR FURTHER INFORMATION CONTACT: Francey L. Youngberg, Esq., Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581. Telephone: (202) 254-8955

SUPPLEMENTARY INFORMATION: The Commission has issued the following Order:

UNITED STATES OF AMERICA

BEFORE THE

COMMODITY FUTURES TRADING COMMISSION

Order Pursuant to the Mutual Recognition Memorandum of Understanding with the French Commission des Operations de Bourse and Rule 30.3(a) Permitting Option Contracts on the GBP/DEM and DEM/ITL Traded on the Marche a Terme International de France (MATIF) To Be Offered or Sold to Persons Located in the United States Thirty Days After Publication of This Notice in the Federal Register Absent Further Notice

By Order issued on December 17, 1991 (Initial Order),¹ the Commission authorized, pursuant to the Mutual Recognition Memorandum of Understanding (MRMOU)² and Commission rule 30.3(a),³ certain option

products traded on the MATIF to be offered or sold in the United States.

By letter dated May 17, 1995, MATIF notified the Commission that on May 22, 1995 it would be introducing option contracts based on the GBP/DEM and DEM/ITL and requested that the Commission supplement its Initial Order authorizing the offer and sale in the United States of Options on the Notional Bond, the 3-month PIBOR, the 3-month EURODEM Futures Contracts; a Supplemental Order, 57 FR 10987 (April 1, 1992), authorizing the offer and sale in the United States of Options on the Long-Term ECU Bond Futures Contracts; and a Supplemental Order, 59 FR 22971 (May 4, 1994), authorizing the offer and sale in the United States of Options on the USD/DM and USD/FRF by also authorizing the MATIF's Option Contracts on the GBP/DEM and DEM/ITL to be offered or sold to persons located in the United States.⁴ Based upon the foregoing, and pursuant to the terms of the MRMOU, the Commission hereby publishes this Order in the **Federal Register** pursuant to which the particular option contracts specified herein may be offered or sold thirty days after the publication of this Order.

Accordingly, pursuant to Commission rule 30.3(a), 17 CFR 30.3(a), and Article II, paragraph 6(b) and Article V, paragraph 6 of the MRMOU signed by the Commission on June 6, 1990 (55 FR 23902 (June 13, 1990)), and subject to the terms and conditions specified in the MRMOU, the Commission hereby issues this Order pursuant to which option contracts based on the GBP/DEM and DEM/ITL traded on the MATIF may be offered or sold to persons located in the United States thirty days after publication of this Order in the **Federal Register**, unless prior to that date the Commission receives any comments which may result in a determination to delay the effective date of the Order pending review of such comments. Under such circumstances the Commission will provide notice.

Contract Specifications

GBP/DEM Option (SDM)

Type

European style

Underlying Interest

Spot currency transaction GBP against DEM

Contract Size

GBP 50,000

¹ See 56 FR 66345 (December 23, 1991).

² See 55 FR 23902 (June 13, 1990). Among other things, this arrangement provides a mechanism pursuant to which certain option products traded on the Marche a Terme International de France (MATIF) may be offered or sold to customers resident in the United States thirty days after publication in the Federal Register of a notice specifying the particular option contracts to be offered or sold.

³ Commission rule 30.3(a), 17 CFR 30.3(a), makes it unlawful for any person to engage in the offer or sale of a foreign option product until the Commission, by order, authorizes such foreign option to be offered or sold in the United States.

⁴ See letter dated May 17, 1995 from Patrick Stephan, MATIF, to Jane C. Kang, Commission and letter dated May 23, 1995 from Frederic Perier, Commission des Operations de Bourse, to Andrea M. Corcoran, Commission.